



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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Toll Free 1-877-601-2828 * E-mail: pdcc@pdcc.wa.gov * Website: www.pdcc.wa.gov

April 15, 2004

Elaine D. Willman, Research Coordinator
Washington STAAR Alliance
P.O. Box 1280
Toppenish, WA 98948

RE: Petition for Rule Making

Dear Ms. Willman:

This letter is to confirm receipt of your letter dated April 5, 2004, which our agency received on April 7, 2004.

In your letter, you requested the Public Disclosure Commission (PDC) "*formally pursue a rule making process that fully explores [sic] and implements new guidelines and enforcement mechanisms to protect the election process of Washington State from unreported and unlimited infusions of contributions from tribal governments, tribal gambling revenue, and individual tribal members.*" You stated that your request was prompted by the March 3, 2004 Third Appellate District Court for the State of California ruling in *Agua Caliente Band of Cahuilla Indians v. Superior Court of Sacramento County and Fair Political Practices Commission.*

PDC staff considers your letter a Petition for Rulemaking under RCW 34.05.330 and the uniform rules set forth in chapter 82-05 WAC. That statute and the rules provide the procedural mechanisms for rulemaking petitions to state agencies, including the PDC. See also the reference in PDC rule at WAC 390-12-255.

It is not clear from your petition if you are seeking an entirely new PDC rule or rules, or are seeking amendments or repeal of existing PDC rules in addition to (or instead of) a new rule or rules. The PDC's current rules are in chapter 390 WAC. We will need you to clarify your request. RCW 34.05.330 and chapter 82-05 WAC provide the suggested list of information the PDC will need to address your petition.

As such, we ask you to clarify your petition as described above; to supplement your petition in order to address the topics raised in RCW 34.05.330(4) and WAC 82-05-020(1) (c); and to identify any current PDC rule or rules you are asking the Commission to consider for repeal or amendment by name, title, number of the rule, and to provide

*"The public's right to know of the financing of political campaigns and lobbying
and the financial affairs of elected officials and candidates far outweighs
any right that these matters remain secret and private."*

RCW 42.17.010 (10)



the text or a description of any amendments. See WAC 82-05-020(2). If you are seeking adoption of an entirely new rule or rules by the PDC, we also need you to supplement your petition to submit text of a proposed rule or rules or a description of their provisions with sufficient information so that PDC and the public can understand your proposal. See WAC 82-05-020(2).

To review the statutes and rules referenced in this letter, you may wish to access the Washington State Code Reviser's website, or the Washington State Legislature's website.

Pursuant to RCW 34.05.330(1) and WAC 82-05-040, the PDC has sixty days from April 7, 2004 to either initiate rulemaking proceedings in accordance with chapter 34.05 RCW or deny the petition in writing, stating its reasons for the denial and specifically addressing the concerns expressed in the petition. Where appropriate, the PDC must indicate alternative means by which it will address the concerns raised in the petition.

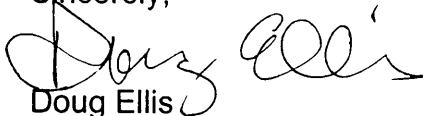
In order to comply with the 60-day time frame, this matter will be scheduling for Commission consideration at it's next meeting on Wednesday, May 26, 2004. While it is likely this topic will be scheduled to begin mid-afternoon, you will be notified of a more precise time on or about May 19, 2004.

Please deliver to the PDC office by **Monday, May 17, 2004** in writing the clarifying and supplemental information requested in this letter in order that these documents can be provided to the Commission members in advance of the meeting.

At the May meeting, PDC staff or its counsel will make a presentation and then you will be afforded an opportunity to address the Commission. Both PDC staff and you probably will be expected by the Commission to limit our remarks to no more than 15 minutes each. This meeting will be open to the public.

For purposes of this rule-making petition, please contact me at (360) 664-2735 or toll free at 1-877-601-2828, if you have questions.

Sincerely,



Doug Ellis
Director of Public Outreach

C: Nancy Krier, Attorney General's Office